

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEVIN DARNELL RAGLAND,

Plaintiff,

v.

Case No. 10-13484

CITY OF ST. LOUIS, MICHIGAN,  
et al.,

HONORABLE AVERN COHN

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 53)**  
**AND**  
**GRANTING CITY OF ST. LOUIS' MOTION TO DISMISS OR FOR SUMMARY**  
**JUDGMENT (Doc. 13)**

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff claims that defendants, the City of St. Louis, Michigan and various individuals, violated his constitutional rights. The complaint stems from plaintiff's incarceration in the St. Louis Correctional Facility. One of plaintiff's allegations is that the City of St. Louis violated the Eighth Amendment by supplying unsafe drinking water to the prison. The matter was referred to a magistrate judge for all pretrial proceedings. The City of St. Louis filed a motion to dismiss or for summary judgment. The magistrate judge issued a report and recommendation (MJRR), recommending that the motion be granted. Plaintiff has not objected to the MJRR and the time for objections has passed.

II.

The failure to file objections to the MJRR waives any further right to appeal.

Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987).

Likewise, the failure to object to the MJRR releases the Court from its duty to independently review the motion. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the MJRR and agrees with the magistrate judge.

Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. The City of St. Louis's motion to dismiss or for summary judgment is GRANTED. The City of St. Louis is DISMISSED as a party to this case.

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: September 1, 2011

I hereby certify that a copy of the foregoing document was mailed to Kevin Ragland, 191565, G. Robert Cotton Correctional Facility, 3500 N. Elm Road, Jackson, MI 49201 and the attorneys of record on this date, September 1, 2011, by electronic and/or ordinary mail.

S/Julie Owens  
Case Manager, (313) 234-5160